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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HU, JINSONG

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/939,931

Applicant(s)

HACKNEY ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 28-30 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 28-30 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In the amendment filed on 3/13/06, Applicant's indicated the claims 1-7 and 27-36 are pending, in fact, the attached claims show the claims 31-33 have been canceled by applicant. Claims 34-36 are non-elected claims in the election filed by applicant on 8/12/05, the format of amendment is improper. However, Examiner still consider the claims 34-36 in this office action. Thus, claims 1-7, 28-30 and 34-36 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7 and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu (US 5,953,005).

4. As per claims 1, 3, 5 and 7, Liu teaches the invention as claimed including a system for synchronizing and serving multimedia content in a distributed network environment the system comprising:

a synchronization server [76a-c, Fig. 1; col. 3, lines 53-64];  
a content server [72, 74a-e, Fig. 1; col. 3, lines 35-42];  
a plurality of clients, wherein the synchronization server provides a indication of an update to a multimedia resource to the clients, and the content server provides content information to the clients based upon the indication provided by the synchronization server [col. 2, lines 17-33; col. 3, line 65 – col. 4, line 12; col. 5, lines 50-57].

5. As per claim 2, Liu teaches the indication includes location information for an updated multimedia resource [col. 3, lines 43-44].

6. As per claim 4, Liu teaches the distributed events being processed by the synchronization server in the order received by the synchronization server [col. 6, line 51 – col. 7, line 34].

7. As per claims 34-35, Liu teaches the multimedia content is a streaming content, is at least one of audio content, video content, a combination of audio and video content and application data [col. 4, lines 34-62].

8. As per claim 36, Liu teaches at least two of the plurality of the clients using applications with compatible data formats and wherein the multimedia content is content from the applications with the compatible data formats [col. 3, lines 53-64].

9. Claims 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard et al. (US 6,162,060).

10. As per claim 28, Richard teaches the invention as claimed including a computer-implemented virtual course system adapted to a distributed network environment, the course system comprising of a content server providing course-related information [102, Fig. 1; col. 4, lines 25-29]; a plurality of clients adapted to exchange information with the content server [124D-F, Fig. 1; col. 4, lines 49-51]; and a synchronization server [106A-C, Fig. 1]; wherein the synchronization server provides an indication of an update to the course-related information to the clients, upon which at least one client sends a request for updated course-related information to the content server and the content server provides the updated course-related information to the at least one client in response to the request [col. 4, lines 49-65].

11. As per claims 29 and 30, Richard teaches the course-related information comprises at least information on a virtual whiteboard and at least one of the following: a course catalog, and course instructional materials [col. 6, lines 21-35].

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 5,953,005) as applied to claims 1-5 and 7 above.

14. As per claim 6, Liu teaches the invention substantially as claimed in claim 1. Liu does not specifically teach the shared resource is updated by one of the plurality of clients in real time. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the step of updating the share resource by one of the plurality of clients in real time because doing so would enable the client share his/her multimedia file with the other people who have the same interest. One of ordinary skill in the art would have been motivated to modify Liu's system with the updating step for increase the dynamic capability of the system.

### ***Conclusion***

15. Applicant's arguments filed on 3/13/06 for claims 1-7, 28-30 and 34-36 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that

(1) Liu's system delivers content to the client only based on the client's selection;

(2) Richard's reference does not teach the step of indicating update information by a synchronization server.

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16. Examiner respectfully traverses applicant's remarks:

A. As to point (1), applicant fails to consider the teaching of Liu's reference for storing the information of the released songs in the database and providing song list to the client for selection [col. 3, lines 35-42; col. 4, lines 34-62], i.e., a synchronization server in Liu's system indicates the update information of the song first, then the client can make a selection based on the available list. Otherwise, Liu's system does not need to provide song list to the client, it only need to accept client's input for song's name etc., then delivers the content to the client based on the input. Thus, Liu's reference does teach the limitation in claim 1.

B. As to point (2), applicant fails to consider the teaching of Richard's reference for posting the updated information of the course to student [col. 6, lines 21-36], i.e., a synchronization server in Richard's system indicated update information for the course in the system in order to allow the user to access the system to view the latest information for the course. Thus, Richard does teach the limitation in claim 28.

Accordingly, Liu and Richard are still relevant prior art references.

17. THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

June 5, 2006

 **JOHN FOLLANSBEE**  
**SUPERVISORY PATENT EXAMINER**  
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